

City Council Introduction:  
Public Hearing Bill No.

## **FACTSHEET**

**TITLE:**

**SPONSOR:**

**DEPARTMENTS/GROUPS AFFECTED:**

**OPPONENTS:**

**APPLICANT:**

**STAFF RECOMMENDATION:**

**REASON FOR LEGISLATION**

**DISCUSSION**

**POLICY OR PROGRAM CHANGE:**

**COST OF TOTAL PROJECT:**

**SOURCE OF FUNDS:**

**CITY:**

**NON CITY:**

**BENEFIT COST:**

**FACTSHEET PREPARED BY:** Jean L. Walker

**REVIEWED BY:**



## RECOMMENDED CHANGES TO ACCESS RULES FROM CABLE ADVISORY BOARD

### 1. Eliminate references to Liason Committee,

Chapter 1, Section 1.2, page 1

~~(j) Liaison Committee shall mean a committee of representatives of the City and of Nebraska Educational Television established in sublease agreement and responsible for managing the day to day operations of the Government/Educational access studio.~~

Chapter 1, Section 6.4, page 3

6.4 Cablevision and the Liaison Committee shall retain the following records for a period of two years from the time they are received or completed:

Chapter 3, Section 3.2, page 16

3.2 (a) Agencies and educational institutions desiring to use the G/E access studio must request that they be placed on a list of approved agencies. The initial listing must be requested over the signature of the chief administrative officer of the agency. The listing must be filed with the G/E Access Coordinator and approved by the Liaison Committee.

### 2. Eliminate references to an address for CIC

Chapter 3, Section 9.3, page 22

9.3 (a) Community announcements should be sent to the Citizens Information Center, 129 North 10th, Room 111, Lincoln, NE 68508.

### 3. Eliminate sentence about specific volunteer functions

Chapter 2, Section 9.4, page 13

9.4 (g) Announcements requesting volunteers for community agency activities will be permitted. ~~Messages for specific volunteer job functions are not allowed.~~

Chapter 3, Section 9.4, page 22

9.4 (f) Announcements requesting volunteers will be allowed provided it is a general request for volunteers and ~~does not request volunteers for specific job functions.~~

### 4. Add references to schools, colleges and universities

Chapter 2, Section 9.4, page 13

- 9.4 (j) CIS shall not be used to advertise or promote enrollment in ~~credit or non-credit courses, workshops, leagues, or seminars, schools, colleges or universities~~ for which a fee or tuition is charged to gain admittance.

Chapter 3, Section 9.4, page 22

- 9.4 (h) GEIS shall not be used to advertise or promote enrollment in ~~credit or non-credit courses, workshops, leagues, or seminars, schools, colleges or universities~~ for which a fee or tuition is charged to gain admittance.

## **5. Clarify provisions for when employees must be present during certain productions**

Chapter 3, Section 3.1, page 16

- 3.1 Volunteers or students may participate in government or education program productions. ~~but If a volunteer or student is participating in the government or education productions,~~ an employee of the user agency must be present during studio production or editing sessions. Field taping equipment must be checked out by an employee of a listed agency.

## **6. Clarify provisions about public meetings that are cablecast.**

Chapter 3, Section 8.3, page 21

- 8.3 All public meetings of government legislative bodies, advisory boards and commissions are authorized for cablecasting on the government access channel. All meetings cablecast shall be covered from gavel to gavel and shall not be edited or subjected to editorial comment. Editing of technical difficulties is permitted.

## **7. Eliminating use of the channel or facilities for candidates for public office**

Chapter 3, Section 8.2, page 21

- 8.2 (e) Use of the G/E access channel or facility for any production, editing, or programming which advocates one position ~~or one candidate~~ in connection with any ballot issue ~~or any election for public office,~~ is prohibited. Use of the G/E access channel or facility for any production, editing, or programming which features or portrays a candidate which has filed for any election for public office, is prohibited, with the exception of news conferences or regularly scheduled public meetings not related to any campaign or events in which all candidates are invited.

## **8. Adding provision to charge for uses of the facilities by govt. agencies or personnel**

Chapter 3, Section 8.2, page 21

(g) All uses of the G/E access facilities or staff for any production, editing, or programming of any department, office, division or governmental body shall be charged at the rates established by the Citizen Information Center.

# RULES GOVERNING THE ACCESS CHANNELS, LINCOLN, NEBRASKA

## CHAPTER ONE

### General Provisions Applicable To All Access Channels

#### I.

#### PREAMBLE

1.1 The rules and regulations set forth herein are adopted to govern the availability and use of the access channels of the cable television system owned and operated by Time Warner Entertainment Advance/ Newhouse d/b/a "Time Warner Cable" in the community of Lincoln, Nebraska.

#### 1.2 Definitions:

The following definitions shall be applicable to all access rules:

(a) Lottery shall mean a gambling scheme in which (1) participants pay or agree to pay something of value for an opportunity to win, (2) winning opportunities are represented by tickets differentiated by sequential enumeration, and (3) winners are determined by a random drawing of the tickets.

(b) Prime time shall mean the hours between 6:00 p.m. and 10:00 p.m.

(c) Public access producer shall mean any person authorized per these rules to use public access equipment or facilities.

(d) Government/Education (G/E) producer shall mean any person authorized per these rules to use government or educational access equipment or facilities.

(e) Franchise agreement shall mean the agreement made and entered into on the 5th day of August, 1985, between the City of Lincoln and Time Warner Cable which was approved by Ordinance No. 14153.

(f) Government/Education (G/E) Access Coordinator shall mean the person responsible for coordinating production activities relating to the government access channel and facility.

(g) Public Access Coordinator shall mean the person employed by Time Warner Cable who is responsible for coordinating all activities relating to the public access channel.

(h) Imported program shall mean a program which is produced outside Lincoln or by nonresidents.

(i) Educational Consortium shall mean a group of educational institutions composed of University of Nebraska-Lincoln, Nebraska Wesleyan University, Union College, Southeast Community College, the Lincoln Public Schools and private elementary and secondary schools of Lincoln.

(j) Commercial shall mean as of, or pertaining to commerce; having financial profit as a primary gain. "Commercial" shall not include activities or organizations which are not-for-profit.

(k) Adult shall mean any person 19 years of age or older.

## II. GENERAL REQUIREMENTS FOR SHOW PRESENTATION

- 2.1 All producers and persons desiring to have material played over the access channels must complete the proper application forms, present proof of a Lincoln street address and proof of required permissions, such as copyrights, etc.
- 2.2 Shows in 30-minute and 60-minute formats are encouraged for public access. Shows in multiples of 15-minute formats are encouraged for G/E access.
- 2.3 All shows must be in videotape format for cablecasting.

## III. COPYRIGHT

3.1(a) Programs containing copyrighted materials will not be cablecast without proper copyright authorization at the time of application. Producers submitting programs for cablecast are responsible for obtaining all necessary copyright clearance or talent releases and shall hold Time Warner Cable and the City of Lincoln harmless in any case of any infringement.

(b) Producers who become involved in copyright disputes which ultimately cause damages to either Time Warner Cable or the City of Lincoln shall be denied the use of access facilities and equipment until voluntary reimbursement for such damages is made.

3.2 Users of public access equipment or facilities retain ownership rights to programs they produce. Users may register and establish a copyright at their discretion.

3.3 Copyright for creative properties (original scripts or plays, music, art work, etc.) shall accrue to the owner/creator of the property.

3.4 Users of access equipment and facilities may use in their programs a music library located at Time Warner Cable should one be provided by the City. However, if such music is used, the program may be used only on the local access channel. Any other distribution, such as cassette duplication, use on other cable systems, broadcast, etc., is strictly prohibited by the license agreement with the music library company. Violations of this rule may subject the violator to federal copyright infringement litigation.

## IV. CONDUCT ON PREMISES

4.1 No food, beverages, or smoking shall be allowed within the production areas.

4.2 All users shall be prohibited from using the access channels and facilities if under the influence of alcohol or drugs, or otherwise not under full control of his or her senses, or if exhibiting disruptive or abusive behavior.

4.3 Users are responsible for providing all props or materials for a given program production. No flammable, caustic, toxic or explosive substances, alcoholic beverages or firearms are

allowed in the studio. All uses of special effects must be approved in advance by the Public access Coordinator. Live animals, weapons, and other potentially dangerous items must be approved in advance by the Access Coordinators.

## VI. PUBLIC INSPECTION OF RECORDS

6.1 Time Warner Cable shall maintain a complete record of the names, street addresses, and phone numbers of all persons requesting use of the appropriate access equipment or facilities. This record shall be made available to the public during the regular business hours. All records of requests for access time shall be kept for a minimum of two years.

6.2 Use of cablecasting equipment and channel time shall not be made available to any person who refuses to have his/her or its identity, street address and phone number maintained in the record and available for public inspection as required by this section.

6.4 Time Warner Cable shall retain the following records for a period of two years from the time they are received or completed:

- (a) Producer liability agreements; and
- (b) Program schedule.

6.5 Videotapes of public meetings of governmental bodies are not considered an official record of meetings and there shall be no liability for inadvertent erasures or omissions.

## VII. REPORTS TO ADVISORY BOARD

7.1 The Access Coordinators shall monthly submit to the Cable Television Advisory Board the following statistics:

- (a) Access channel cablecasting.
  - (1) Total hours scheduled.
  - (i) Hours of new programming.
  - (2) Number of separate and distinct groups or individuals.
    - (i) Number of first time users.
- (b) Use of studio.
  - (1) Total time blocks scheduled/number of separate and distinct groups or individuals.
- (c) Live cablecasting from access studio, Pershing Auditorium and Bennett Martin Public Library.
- (d) Total time blocks scheduled/number of separate and distinct groups or individuals for each facility.
- (e) Use of editing facilities.
  - (1) Total time blocks scheduled/number of separate and distinct groups or individuals.
    - (i) Three-quarter inch editing.
    - (ii) Half-inch editing.



- (f) Workshops conducted.
  - (1) Number of workshops.
  - (2) Number of persons trained.

## VIII.

### AUDIO BACKGROUND ON ACCESS CHANNELS

8.1 The City may elect to use radio broadcasts as audio background providers for any of the access channels.

8.2 Audio background providers shall be limited to non-profit or educational broadcast stations with 501(c)(3) status which are licensed by the FCC.

8.3 Audio background providers shall be required to deliver to Time Warner Cable's principal head end a signal of good quality.

8.4 Audio background providers shall not be subject to the advertising and solicitation restrictions of the Program Content sections of Chapter Two and Three.

## CHAPTER TWO

### Additional Public Access Provisions

#### I.

#### PREAMBLE

1.1 The public access channel shall be made available to any member of the public residing in the franchise area on a nondiscriminatory basis with priority to local access production at no charge for channel or equipment use. Such use of public access programming shall be made available consistent with the goal of affording users a low-cost means of television access.

#### II.

#### TRAINING AND CERTIFICATION OF PUBLIC ACCESS USERS

2.1(a) All individuals desiring to use access should be familiar with the guidelines for production, procedure, scheduling, etc. Everyone using access equipment must take the public access training at least once to become familiar with access guidelines, procedures, and regulations. Appropriate testing designed to indicate familiarity with public access procedures, video terminology, and basic equipment use must be taken and passed before access to equipment.

(b) A public access production training class will be presented monthly at the access studio with specialized training in audio, switcher, editing, lighting, and remote equipment arranged upon request.

(c) Cable Television Advisory Board shall oversee and approve all public access training and testing.

(d) A certified user is an individual who has completed the public access training and the appropriate test. Certification is valid for one year from the date of approval and may be

renewed annually if the individual produces at least one show during the previous year that appears on the public access channel. Certification qualifies user to use remote, studio, and/or editing equipment. If certification lapses, to maintain eligibility the person must retake the appropriate test or retake the training class or demonstrate appropriate skills to access coordination.

(e) Certification on public access equipment will not allow a user to operate the government access equipment and vice versa.

2.3(a) The Public Access Coordinator is responsible for providing all users with guidelines for use of current studio and remote equipment being used, including a checklist of procedural steps, a general checklist for use of the studio, and a checklist for each specific piece of equipment. Complete operating instructions shall be made available for all equipment at all access sites for reference or checkout.

(b) At no time should a public access user present themselves as an employee of Lincoln Time Warner Cable.

### III.

#### GENERAL REQUIREMENTS FOR SHOW PRESENTATION

3.1 The videotape of each program must be delivered to the Public Access Coordinator for previewing at least two business days in advance of the scheduled showing.

3.2 Users under the age of 19 years of age must: (1) if using the studio, have at least one adult present at all times; and (2) have a release form co-signed by a parent or guardian or other financially responsible adult stating that he or she will accept responsibility for any damage to the equipment or facilities.

3.3 All applications for channel time from users who have not scheduled a show in the last year must be delivered to the Public access Coordinator at least 30 days in advance of the requested showing date. Other applications shall be reviewed on a first come-first served basis. Such application shall include a brief description of the show for promotional purposes and viewer information.

3.4 (a) All videotapes shall record video black from the beginning of the tape to the beginning of the program and for 5 minutes after the end of the program.

(b) All programs shall begin not sooner than 15 seconds and not later than 60 seconds from the start of the tape.

(c) All videotapes must be rewound to the beginning when delivered to Time Warner Cable for cablecast.

(d) All videotapes submitted for cablecast shall accurately indicate the length of the program on the label.

#### IV.

### RESERVATIONS FOR CABLECASTING BY TYPES OF PUBLIC ACCESS PRODUCERS

4.1 At the time reservations for cablecasting are made, programs shall be determined to be one of the following types: either a series or a special or a live production; and either a local or imported program.

(a) Series - Programs scheduled on a weekly, bi-weekly, monthly or regular basis. To qualify as a series, a new episode of similar length must be produced at least once a month.

(c) Specials - Programs produced or scheduled on a one-time or occasional basis.

(d) Live Productions - Shows originating from the access studio, Pershing Auditorium, or Bennett Martin Public Library (See B, Art. VI) and cablecast at the moment of production.

(e) Local Programs - 50% or more of the material in the production must be material produced in Lincoln.

(f) Imported Programs - Over 50% of material in the production has been produced outside Lincoln.

4.2 Series may be scheduled if they comply with the following:

(a) When making application for channel time, a series producer shall attach a presentation schedule to his/her application.

(b) Local series may be scheduled at regular intervals for a maximum of six (6) months at one time and may be guaranteed time slots if done in accordance with Section 4.3

(c) Imported series may be scheduled for a maximum of three (3) months at one time. The same time slot can be renewed unless a previous request for the time slot has been made.

(d) Failure to produce a new episode in the series shall result in loss of the remainder of scheduled time.

4.3 Each local producer is guaranteed up to one hour of channel time per week. Additional requests for channel time shall be allocated by the following priorities:

First . . . . . New local producers

Second. . . . . Local specials

Third . . . . . New Local programming scheduled for its first play

Fourth. . . . . Repeats of local programming

Fifth . . . . . Imported

The guaranteed time slot must be designated on the application form. A thirty-day notice shall be mailed to preempted producers/sponsors.

4.4 Imported programs must have a local sponsor, or they will not be scheduled for cablecast.

#### V.

### ALLOCATION OF CHANNEL TIME

5.1 The hours of cablecasting over the public access channels shall be 6:00 p.m. to 1:00 a.m. daily. On Time Warner Cable holidays, cablecasting hours are subject to availability of Time Warner Cable personnel.

5.2 Except as provided in Article IV., allocations of channel time shall be made on a first-come, first-serve, nondiscriminatory basis.

(a) After the same program has aired six (6) times, no further requests for channel time will be honored. A program will be defined as being the same if 50% or more the program is identical.

5.3 Time allocations shall be nonassignable.

5.4 The Public Access Coordinator shall maintain a continuing three-month access channel use schedule for public viewing.

5.5 The City will interrupt access programming to cablecast an audio and/or video message on all channels simultaneously in the event of a disaster or public emergency.

5.6 If a significant portion of a program cannot be played for any reason, the user shall be notified and offered an alternative date and time for cablecasting his/her program.

5.7 When no applications have been submitted for a time slot 30 days prior to a viewing date, the Public access Coordinator may make use of the time by repeating any program for which Time Warner Cable has received such permission from the producer, or by cablecasting any other program which does not violate the program content limitations of Article VIII.

## VI.

### PUBLIC ACCESS PRODUCTION FACILITIES AND EQUIPMENT

#### A. General Information.

6.1 Time Warner Cable shall make available the facilities and equipment contained in Attachment "C" of the franchise agreement for use in the production of programming to be carried on the public and education access channels. Such Attachment "C" is made a part of these rules. If the production facilities and equipment are not reserved, the company may use the studio and equipment during those times for its own purposes.

6.2 The production facilities and equipment may be used by public access producers only for the purpose of making a program to be carried on the access channels. Programming material and copies thereof which are produced using such facilities and equipment shall not subsequently be distributed for profit without the express written permission of Time Warner Cable. In addition, a public access producer may not receive personal profit or remuneration when using the facilities and equipment.

6.3 (a) Studio and editing facilities shall be available according to the following schedule:

ACCESS STUDIO	
Studio Time Blocks	
Thursday and Friday. . . . .	9:00 a.m. to 12:00 noon

Monday through Friday. . . . . 6:00 p.m. to 10:00 p.m.

Saturday and Sunday. . . . . 9:00 a.m. to 5:00 p.m.  
during the following hours if scheduled by noon Wednesday

Editing Time Blocks

Monday through Friday . . . . . 9:00 a.m. to 12:00 noon  
1:00 p.m. to 5:00 p.m.  
6:00 p.m. to 10:00 p.m.

Saturday and Sunday . . . . . 9:00 a.m. to 5:00 p.m.  
during the following hours if scheduled by noon Wednesday

(b) Evening studio time shall include an additional half hour for striking the set and wrap-up.

(c) Studio time blocks shall be reserved for access users. If studio time blocks are not reserved a week in advance, the company may use the studio and equipment during those time blocks.

(d) Weekend evening editing and studio time blocks may be scheduled subject to availability of studio personnel.

B. Pershing Auditorium and Bennett Martin Public Library Productions

6.4(a) Pershing Auditorium (Pershing) and Bennett Martin Public Library (BMPL) are available for live cablecasting provided the area requested is available.

(b) Video taping and live cablecasting at Pershing and BMPL are permitted with prior approval of Pershing or BMPL and the group which is scheduled in the facility. Productions too large to be accommodated in the public access studio are also permitted.

(c) Reservations for use of space within Pershing and BMPL shall be made with the Library Director or the Pershing Auditorium Manager.

(i) Users must adhere to all building regulations for general community usage as set by the respective boards, including the payment of fees or other charges.

(ii) BMPL requires the completion of an application form which also states the current meeting room regulations.

(d) No fees for use of any portion of the building shall be charged for taping or live cablecasting in conjunction with any event for which the space rental fee has already been paid by another group. Extra services other than space, required by the Public Access Producer and not paid for by any group, shall be the responsibility of the Public Access Producer.

(e) Rule 6.2 pertaining to public access studio usage shall apply to Pershing and BMPL.

(f) Reservations for necessary equipment and cablecasting time shall be made with the Public access Coordinator. All access rules pertaining to reservations and cablecasting shall apply.

(g) Time Warner Cable may deny an equipment reservation, if, in the opinion of the Public Access Coordinator, a proposed live cablecast would be more appropriately produced in the public access studio. A denial may be appealed to the Cable Television Advisory Board.

(h) Anyone making a reservation pursuant to Section 6.4 must be a certified public access user. For live cablecasting, the user must be certified and have produced a minimum of three (3) taped studio programs in the past six months.

(i) Any interconnect into the cable system will be performed by Time Warner Cable personnel.

(j) Time Warner Cable will terminate the transmission of any live program that violates content rules.

#### C. Reservations, Renewals, Cancellations.

##### 6.5 General Information

(a) Equipment, studio facilities, and editing facilities may be reserved on a first-come, first-serve basis either in person or by telephone.

(b) All reservations for the equipment or other facilities shall be maintained by the Public Access Coordinator for public viewing during business hours.

(c) At the time reservations are made, persons reserving studio time must notify the Public Access Coordinator of the approximate number of people who will be in the production facilities at any one time. Reservations for studio time require a crew of two (2) people minimum, including on camera talent.

(d) Prior to using the studio or checking out remote equipment, producers will submit a plan listing production needs, show outline, crew members, and talent.

(e) Due to space limitations, no sets or props may be stored at production facilities.

(f) Failure to schedule editing time or submit a program for cablecasting within four (4) weeks following the use of remote/studio equipment shall result in the denial of future requests to use remote/studio equipment until editing has begun or a program has been submitted for showing.

##### 6.6 Remote equipment.

(a) Remote equipment may be checked out for one 24-hour period at a time, except weekends when equipment may be scheduled for a maximum of 48 hours.

(b) If the remote equipment has not been reserved by another user one hour before it is scheduled to be returned, the prior user may renew the reservation for an additional 24 hours.

(c) The remote equipment shall be used within the franchise area or within a reasonable distance thereof as determined by the Cable Television Advisory Board or its designee.

(d) The remote equipment for public access may only be picked up or checked out during the following hours: Monday through Friday, 8:30 a.m. to 5:00 p.m.; and Saturday and Sunday, 1:00 p.m. to 5:00 p.m. if scheduled by noon Wednesday.

(e) When remote equipment is returned, all loaned tapes must also be returned and checked in. The access user is responsible for labeling such tapes with (i) user's name, (ii) date returned, and (iii) notation on label "Hold for Editing". Tapes will be held by Time Warner Cable for a maximum of 30 days.

##### 6.7 Editing equipment

(a) A user may not schedule in advance more than two (2) editing time blocks per week. Three (3) days prior to any editing time block, unreserved time shall be reserved on an unrestricted basis.

6.8 If a Public Access Producer fails to appear within 30 minutes after the reservation time specified, the equipment may then be assigned to someone else.

6.9 Equipment reservations must be canceled at least 24 hours in advance to avoid a penalty.

D. Repairs, damages, and complaints.

6.11 The user assumes full responsibility for any damage to equipment or production facilities. User shall agree as a condition to use, to indemnify and reimburse Time Warner Cable for all damage to equipment and facilities caused by neglect, abuse, theft, or other calamity, ordinary wear and tear excepted, which occurs while such equipment or facilities are assigned to the user.

6.12 If a piece of equipment malfunctions, the Public Access producer shall notify a member of the studio staff as soon as possible. Under no circumstances shall the Public Access producer attempt to repair or continue to use the equipment.

6.13 An equipment/facility complaint form, in a multiple part format shall be provided to all public access equipment and facilities users for each scheduled time period. One part shall be sent to the Time Warner Cable manager. The second part shall be sent to the Cable Television Advisory Board in care of the Citizen Information Center.

6.14 Users of remote equipment shall be asked to set up equipment and tape a small segment before checkout. Equipment shall again be set up and operated by users when returned.

6.15 It is the responsibility of the individual who borrows equipment to verify its operational condition at the time of checkout.

## VII. TAPES

7.1 (a) The Public Access Coordinator shall make 3/4 inch working tapes available. Three 18-minute and two 60-minute tapes may be loaned for any one program, one of which may be used as the master tape. The loan tapes are the property of Time Warner Cable.

(b) Loaned tapes must be turned in after each editing, studio and remote camera reservation. The Public Access producer is responsible for labeling such tapes with (i) producer's name, (ii) date returned, and (iii) notation on label "Hold for Editing". Tapes will be held by Time Warner Cable for a maximum of 30 days. Tapes not returned will be billed to the producer or sponsoring organization.

(c) The master tape containing the completed program may be purchased from Time Warner Cable. Otherwise, producers should furnish their own tapes for final production if the individual or organization wishes to retain the taped program.

7.2 A user may make one copy of his/her master tape on his/her own tape using public access equipment, providing the master tape has been scheduled to be cablecast at least once on the access channel.

7.3 All tapes submitted for cablecasting must be labeled with the following information:

- (a) First airing date;
- (b) Title and/or series number;
- (c) Running time; and

(d) Producer's name, address and phone number.

7.4 A Public Access producer's program may not be duplicated for anyone other than the producer without his/her written permission, except that the Public access Coordinator and/or City may copy and review programs to determine compliance with these rules.

7.5 Video and audio on the public access channel may not, at times, be up to the standards acceptable for broadcast and other cable services. If, after viewing a tape with all the available electronic enhancement, the Public access Coordinator judges the tape to be of such poor technical quality that it appears to be a scrambled signal or that Time Warner Cable is experiencing technical problems, the producer of the program will be called in for a consultation on whether the tape should play. If such a tape is then cablecast, a disclaimer will accompany the program.

## VIII. PROGRAM CONTENT

8.1 The company shall not censor or exercise any control over program content on the access channel with the exception of material contained in 8.2.

8.2 (a) The public access channel shall not be used to advertise or promote the commercial sale of products or services. Description or praise of a product, service, business, or person which encourages purchase, trade, or business is not permitted. Intentionally showing business or product names, logos and other symbols specifically for commercial promotion is prohibited. Presentations by or on behalf of candidates for public office shall be allowed for the four weeks prior to any election. All other access rules shall apply.

(b) Obscene material is prohibited.

(i) Materials shall be obscene when: (a) the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, or a shameful or morbid interest in nudity, sex, or excretion; (b) the work, material, conduct, or live performance depicts or describes in a patently offensive way, sexual conduct specifically set out in State law; and (c) the work, conduct, material, or live performance taken as a whole, lacks serious literary, artistic, political, or scientific value.

(ii) If the Cable Television Advisory Board determines a program is obscene, it may request that the City pursue criminal penalties and/or injunctive relief against the producer.

(c) Indecent material may only be cablecast from Midnight to 1:00 a.m.

(i) Materials shall be indecent when they depict or describe, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

(d) Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme is prohibited.

(e) The public access channel shall not be used for solicitation or fund raising of any kind.

8.3(a) If the Public Access Coordinator feels a tape may be in violation of the access rules, the tape may be submitted to the Cable Television Advisory Board.



(b) If the possible violation can be corrected by editing or review is made unnecessary by rescheduling, the producer may elect to edit or reschedule the tape so it can be aired without delay.

(c) The Public Access Coordinator shall submit the tape with a list of possible violations for review by the Cable Television Advisory Board at its next regularly scheduled meeting.

(d) The affected producer shall be invited to attend the Cable Television Advisory Board meeting at which his/her tape is being reviewed to make whatever presentation or argument he or she desires.

(e) Such tape shall not be cablecast until the Board has reviewed it.

8.4 The company is permitted to use a legal disclaimer in connection with the airing of any program.

8.5 Time Warner Cable shall place the name of the individual applying for channel time and an address or phone number within the franchise area at which the person can be contacted before and after each program.

## IX.

### COMMUNITY INFORMATION SERVICE CHANNEL

9.1 The rules pertaining to the Community Information Service (CIS) apply only to the placement of text messages on Community Information Channel and do not apply to video productions.

9.2(a) The purpose of CIS is to announce events, activities, meetings or public service information. Announcements must be provided by legally recognized non-profit organizations based in Lancaster County.

(b) The Lincoln Conventions Bureau & Pershing Auditorium shall be allowed to place announcements noting events, attractions or conventions, even though some of these announcements may be commercial in nature.

9.3(a) Community announcements should be sent to the Citizens Information Center.

(b) Announcements must be submitted for approval on the required forms at least two weeks in advance of the intended cablecast date. Announcements may be placed and removed at the discretion of the Citizen Information Center.

(c) Messages may be aired for a maximum 30 days with at least 10 days between messages of the same intent or nature, from the same organization.

(d) The Citizen Information Center may edit announcements to provide for clarity and to maximize the use of space.

(e) Messages placed on the channel must contain the name and telephone number of the organization placing the announcement.

(f) Message forms containing the name of the organization, the name of the individual submitting the message, and a telephone number shall be kept on file for 30 days after the announcement has been taken off the system. These records are available for review by the public.

9.4(a) Events and activities announced on the channel must be open to the general public.

(b) Events which are open to the public and are intended to raise funds for a non-profit organization may be placed on the channel. The message must indicate if admission is charged.

(c) CIS may not be used to advertise or promote the commercial sale of goods or services; to solicit donations; or to praise a product, service, business, or person.

(d) Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme is prohibited.

(e) The public access community information service channel shall not be used for messages of a religious nature, including the times of regularly scheduled or special worship services. However, religious organizations may announce other events or activities which are open to the general public.

(f) Announcements for employment are not permitted.

(g) Announcements requesting volunteers for agency activities will be permitted.

(h) All events and activities announced on the channel must be held within the service area of Time Warner Cable.

(i) Announcements which promote/oppose candidates for office or ballot issues are prohibited.

(j) CIS shall not be used to advertise or promote enrollment in schools, colleges or universities for which a fee or tuition is charged to gain admittance.

(k) Announcements concerning an emergency in the City of Lincoln shall have priority over all other announcements.

9.5 The City of Lincoln shall not be liable for the inaccuracy of information on the channel.

## X.

### MISCELLANEOUS

10.1 A bulletin board to facilitate public access dialogue between users/ producers shall be provided in the production area at Time Warner Cable.

(a) The schedules for the production facility and channel use shall be maintained for public viewing during business hours.

(b) User/producer messages may be posted as follows:

(1) Messages shall be no larger than 8 1/2 inches by 11 inches.

(2) All messages must contain a posting date and an expiration date.

(3) Messages shall be removed on expiration date.

10.2 The Public Access Coordinator will submit notice of scheduled access programs to appropriate media for listing when provided by the user. All producers are encouraged to regularly provide the coordinator with highlights of their show so that they can be publicized more effectively.

10.4 Any public access user who is dissatisfied with the administration, enforcement, or company decisions regarding these rules, may submit such matter to the Cable Television Advisory Board. The Cable Television Advisory Board shall consider such complaints at their next regularly scheduled meeting.

10.5 Failure to comply with these rules may result in the denial or cancellation of further access. An outline of the Access Coordinator's penalties or penalty policy shall be attached to these rules. Whenever a penalty is imposed, the Public Access Coordinator shall report the violation and penalty to the Cable Television Advisory Board at their next monthly meeting.

10.6 The rules governing the public access channel shall be reviewed annually by the Cable Television Advisory Board and Time Warner Cable.

## **CHAPTER THREE**

### **Additional Government/Educational Access Provisions**

#### **I. PREAMBLE**

1.1 The government access channel shall be made available to agencies of federal, state, county and city government, and other units of local government located within the service area of Lincoln. The objectives of the government channel are:

- (a) To provide public service information to the citizens of Lincoln;
- (b) To increase awareness of the activities and deliberations of governmental, legislative and advisory bodies;
- (c) To increase citizen knowledge of the various functions and responsibilities of governmental agencies;
- (d) To help and encourage participation in program services to the maximum extent possible
- (e) To enhance training in internal communications opportunities for government employees.

1.2 The educational access channel shall be made available to any non-profit school, college, or university, located within the city franchise area of Time Warner Cable.

1.3 The objectives of the educational access channel are the following:

- (a) To provide a community awareness and develop an understanding of the diverse and considerable educational activities on-going within the service area.
- (b) To encourage and assist the educational community within the service area to define and expand their continuing role of leadership. (Include public service spots within the program.)
- (c) To exist as a confluence of the many individual institutions and provide further avenues of cooperation toward a common educational good.
- (d) To provide a platform on which to expand the various existing curriculums into the greater community as continuing educational opportunities.
- (e) To enhance and expand the opportunity for developing television production skills in a technically-oriented world.

## II. TRAINING AND CERTIFICATION OF GOVERNMENT/EDUCATION USERS

2.1 All individuals desiring to use G/E access should be familiar with the guidelines for production, procedure, scheduling, etc. Everyone using G/E access, with exceptions as covered in 2.4(b), must take the access training to become familiar with access guidelines, procedures, and regulations.

2.2(a) The G/E Access Coordinator will develop training programs to meet certification requirements for government and educational access.

(b) The frequency of classes for G/E access training will be determined by demand.

2.3 Successful completion of a training course will result in certification at the following levels:

Certification Level	Prerequisite	Skill Required for Cert.
Portapak/Camera	None	Capability to reserve and use portable equipment for remote, single-camera taping. Capability to operate studio camera.
Audio	None	Capability to reserve and use audio equipment.
Editing	None	Capability to reserve and use editing facilities.
Studio	Portapak/Camera	Capability to reserve and use and editing cert. editing studio facilities for and experience as program production crew member for at least two studio productions.
Remote Truck	Portapak/Camera	Capability to reserve and editing and use the remote truck for studio cert. multi-camera remote Direction of at productions. least two studio productions.

2.4 (a) Training is open to all employees of eligible agencies, following approval of the governmental/educational agency director. Volunteers and students who participate in producing G/E programs must hold appropriate certification. It is the responsibility of the producing agency to determine that all production participants hold appropriate certification.

(b) Persons demonstrating proficiency at the various levels of certification may not be required to complete training programs. Proficiency will be demonstrated to and judged by the G/E Access Coordinator.

(c) Certification on G/E access equipment will not allow a user to operate the public access equipment and vice-versa.

2.5 Annual recertification is required but persons having at least 15 hours of production time during the previous year may be automatically recertified at the appropriate level. Persons not meeting this criterion may gain recertification through demonstration of proficiency or additional training.

2.6 The G/E Access Coordinator is responsible for providing all users with guidelines for use of current studio and remote equipment being used, including a checklist of procedural steps, a general checklist for use of the studio, and a checklist for each specific piece of equipment. Complete operating instructions shall be made available for all equipment.

### III.

#### GENERAL REQUIREMENTS FOR SHOW PRESENTATION

3.1 Volunteers or students may participate in government or education program productions. If a volunteer or student is participating in the government or education productions, an employee of the user agency must be present during studio production or editing sessions. Field taping equipment must be checked out by an employee of a listed agency.

3.2(a) Agencies and educational institutions desiring to use the G/E access studio must request that they be placed on a list of approved agencies. The initial listing must be requested over the signature of the chief administrative officer of the agency. The listing must be filed with the G/E Access Coordinator.

(b) Subsequent approval of training and production projects and personnel may, at the discretion of the user agency, be delegated to the heads of appropriate departments or divisions of the user agency, provided a list of such authorized personnel is filed with the G/E Access Coordinator.

3.3 Government and Educational agencies may sponsor programs by meeting the following criteria. Failure to comply with these rules may result in the denial or cancellation of the program for cablecast.

(a) The sponsoring agency should have a direct role in developing program content and/or approve content prior to production.

(b) The sponsoring agency must provide written approval of sponsorship prior to cablecast.

(c) Program content must be directly related to the mission, responsibilities, or functions of the sponsoring agency.

(d) Governmental and Educational agencies shall not sponsor programs which have no relationship, or are only indirectly related to the agency and its mission.

There shall be no editorial control over programs on the access channels except to determine compliance with these rules. The Citizen Information Center shall have the right to deny or cancel programs based on noncompliance with government/education access rules.

#### IV. ALLOCATION OF CHANNEL TIME

4.1 The hours of cablecasting over the (government/education) access channels shall be 9:00 a.m. to 1:00 a.m. daily, and on Time Warner Cable holidays, subject to availability of Time Warner Cable personnel.

4.2 Allocations of channel time shall be made on a first-come, first-serve basis with discretionary priority, as provided in Article V. A program may be scheduled for no more than one showing a calendar week in prime time hours, which are between 6:00 p.m. and 10:00 p.m., and no more than three showings a calendar week in non-prime time. More showings may be scheduled in time blocks which have not been reserved one month prior to the viewing date.

4.3 If requests are made for more than one showing in a week, the producer shall establish a numerical priority for the second through fourth time choices. New programs may preempt second through fourth time choices when heavy scheduling demand occurs. Such preemption shall occur only if the new program time request is made one month or more before the viewing date. The preempted producer shall be advised within two business days of such preemption.

4.4 No first program playback in either prime time or non-prime time scheduled properly in advance may be preempted without permission of the preempted show's producer, and no preemptions of any kind shall occur within the time period one month prior to the viewing date, except as described in Article V.

4.5 Time allocations shall be nonassignable.

4.6 The G/E Access Coordinator shall post an advance three-month access channel use schedule, so individuals can see time available.

4.7 The City will interrupt access programming to cablecast an audio and/or video message on all channels simultaneously in the event of a disaster or public emergency.

4.8 If a significant portion of a program cannot be played for any reason, the user shall be notified and offered alternative dates and times for cablecasting his/her program.

4.9 When no reservations for time blocks have been made ten days prior to the viewing date, the G/E Access Coordinator may make use of the time by scheduling any program for which they have received permission or by cablecasting any other program which does not violate the program content limitations of Article VIII. Program Content.

#### V. RESERVATIONS FOR CABLECASTING BY PRIORITY AND TYPES OF PRODUCERS

5.1 When heavy scheduling demands occur, the G/E Access Coordinator shall have discretion to prioritize reservations according to the following hierarchy:

- (a) First Emergency events (live).

- (b) Second Live coverage of events of a timely nature, e.g., public meetings, hearings, etc.
- (c) Third Live or taped programming from a series or course for which formal educational credit is awarded and in which students are enrolled.
- (d) Fourth Live coverage of events which do not necessarily exhibit a primary element of timeliness.
- (e) Fifth A series of programs, either live or on tape, which is regularly scheduled for a period of time and made up of a large number of individual programs (vs. shorter series).
- (f) Sixth Programming produced locally (vs. imported).
- (g) Seventh Programming scheduled for its first play (vs. repeats).
- (h) Eighth New requests for a given block, i.e., day and time (vs. continuing requests).
- (i) Ninth Requests received earliest.

## VI. G/E PRODUCTION FACILITIES AND EQUIPMENT

### A. General Information.

6.1 Certain production facilities and equipment may be used by producers, only for the purpose of making a program to be carried on the G/E access channel. Programming material and copies thereof which are produced using such facilities and equipment shall not subsequently be distributed for profit without the express written permission of the City of Lincoln.

6.2(a) Studio and editing facilities shall be available on a first come-first served basis.

- (b) Editing and studio time blocks may be scheduled on weekend evenings subject to availability of studio personnel.

### B. Reservations, Renewals, Cancellations.

#### 6.3 General Information

(a) Equipment, studio facilities, and editing facilities may be reserved on a first-come, first-serve basis either in person or by telephone.

(b) All reservations for the equipment or other facilities shall be posted by the G/E Access Coordinator.

(c) A program proposal form must be submitted to the G/E Access Coordinator at least two weeks, but no more than three months, before the desired production date. This proposal form will include production needs, show outline and number of crew members and talent. Tentative studio reservations will be lost if a program proposal is not submitted two weeks in advance.

(d) The studio will normally be reserved at least two weeks in advance for no more than one continuous four-hour block. After the two-week deadline, further blocks may be scheduled through the G/E Access Coordinator, if time is available. Exceptions may be granted by the G/E Access Coordinator upon written justification from the user.

- (e) Due to limitations of space, no sets or props may be stored at the production facilities.

#### 6.4 Remote Equipment.

(a) Remote equipment may be checked out for one 24-hour period at a time, except weekends when equipment may be scheduled for a maximum of 72 hours. Exceptions to this requirement

will be considered for special cases but must be brought to the attention of the G/E Access Coordinator at the time the advance request is made.

(b) If the remote equipment has not been reserved by another user four hours before it is scheduled to be returned, the prior user may request the reservation for an additional 24 hours.

(c) The remote equipment for G/E access may only be picked up, checked out or returned by advance arrangements with G/E Access Coordinator during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

#### 6.5 Remote (Television) Truck.

(a) The truck is for programming applications which cannot be accommodated through the use of other facilities or equipment.

(b) The truck can be reserved by contacting the Citizen Information Center at least two weeks, but no more than three months, before the desired date. The request must be accompanied by a program proposal. Permission may be denied, if studio or portable equipment is a more suitable means for production.

(c) The truck may be reserved for no more than 24 hours during one week. Exceptions may be granted by the Citizen Information Center. The truck may not be driven out of Lancaster County without the permission of the Citizen Information Center.

(d) A user must also provide to the Citizen Information Center, at least three days prior to usage, satisfactory assurances that these arrangements have been made:

(1) Parking permits and parking space for the truck has been obtained.

(2) Safe, environmentally protected work areas have been secured for the crew and equipment.

(3) Written permission for the use of the production location has been obtained, unless it is under the management of the user agency.

(4) All necessary power required for production is available on the proposed site.

#### 6.6 Editing Equipment.

A user may not schedule in advance more than two editing time blocks of four continuous hours per week during prime editing time. Prime editing time shall mean the hours between 6:00 p.m. and 10:00 p.m. weekdays, and all of Saturday. Six days prior to any editing time block, unreserved time shall be scheduled on an unrestricted basis.

#### 6.7 Failure to Schedule.

(a) If a producer fails to appear within an hour after the reservation time specified, the equipment may then be assigned to someone else.

(b) Equipment reservations must be canceled at least 24 hours in advance to avoid a penalty.

#### C. Repairs, Damages and Complaints.

6.8 The user agency assumes full responsibility for any damage to equipment or production facilities. User agency shall agree, as a condition to use, to indemnification and reimbursement for all damage to equipment and facilities caused by neglect, abuse, theft, or other calamity, which occurs while such equipment or facilities are assigned to the user agency. Ordinary wear and tear are not cause for recourse.



6.9 If a piece of equipment malfunctions, the producer shall notify the G/E Access Coordinator as soon as possible. Under no circumstances shall the producer attempt to repair the equipment.

6.10 An equipment/facility complaint form, in a multiple part format shall be made available to all access equipment and facilities users for each scheduled time period. One part shall be sent to the G/E Access Coordinator. The second part shall be sent to the Cable Television Advisory Board in care of the Citizen Information Center.

6.11 It is the responsibility of the individual who borrows equipment to verify its operational condition at the time of checkout. The desirable procedure would include setting up equipment and taping of a short segment.

## VII. TAPES

7.1 G/E users are responsible for providing videotapes for all production activity.

7.2 A user may make one copy of his/her master tape on his/her own tape using access equipment, providing the master tape has been scheduled to be cablecast at least once on the access channel.

7.3 All tapes submitted for cablecasting must be labeled with the following information:

- (a) First airing date.
- (b) Title and/or Series number.
- (c) Running time.
- (d) Producer's name, address and phone number.

7.4 A G/E producer's program may not be duplicated for anyone other than the producer without his/her written permission.

7.5 If, after viewing a tape with all the available electronic enhancement, the G/E Access Coordinator judges the tape to be of such poor technical quality that it appears to be a scrambled signal or that Time Warner Cable is experiencing technical problems, the producer of the program will be called in for a consultation on whether the tape should play. If such a tape is cablecast, a disclaimer will accompany the program.

## VIII. PROGRAM CONTENT

8.1 There shall be no editorial control over programs on the access channels except to determine compliance with these rules. The Citizen Information Center shall have the right to deny or cancel programs based on noncompliance with government/education access rules.

8.2 (a) The access channel shall not be used to advertise or promote the sale of products or services or enrollment in credit or non-credit courses. Description or praise of a product, service, business, or person which encourages purchase, trade, or business is not permitted. Intentionally

showing business or product names, logos and other symbols specifically for commercial promotion is prohibited. All other access rules shall apply.

(b) Obscene or indecent material is prohibited.

(c) Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme is prohibited.

(d) The access channel shall not be used for solicitation or fund raising of any kind.

(e) Use of the G/E access channel or facility for any production, editing, or programming which advocates one position in connection with any ballot issue is prohibited. Use of the G/E access channel or facility for any production, editing, or programming which features or portrays a candidate which has filed for any election for public office, is prohibited, with the exception of news conferences or regularly scheduled public meetings not related to any campaign or events in which all candidates are invited

(f) Use of the G/E access channel or facility for production, editing or programming of a religious nature is prohibited.

(g) All uses of the G/E access facilities or staff for any production, editing, or programming of any department, office, division or governmental body shall be charged at the rates established by the Citizen Information Center.

8.3 All public meetings of government legislative bodies, advisory boards and commissions are authorized for cablecasting on the government access channel. All meetings cablecast shall be covered from gavel to gavel and shall not be edited or subjected to editorial comment. Editing of technical difficulties is permitted.

8.4 All public meetings of an educational nature are authorized for cable-casting on the educational access channel. All meetings shall be covered from gavel to gavel and shall not be edited or subjected to editorial comment. Editing due to technical difficulties is permitted.

8.5 If the G/E Access Coordinator feels a tape may be in violation of program content rules, the tape may be submitted to the Cable Television Advisory Board. The Cable Television Advisory Board shall review such tapes at their next regularly scheduled meeting.

8.6 The company is permitted to use a legal disclaimer in connection with the airing of any program.

## IX.

### G/E INFORMATION SERVICE CHANNEL

9.1 The rules pertaining to the Government/Education Information Service (GEIS) apply only to the placement of text messages on the Government or Education Access Channels and do not apply to video productions.

9.2(a) The purpose of GEIS is to announce events, activities, meetings or public service information. Announcements may be provided by any government agency or by an education institution accredited by the State of Nebraska.

(b) Pershing Auditorium shall be allowed to place announcements noting events, attractions or conventions, even though some of these announcements may be commercial in nature.

9.3(a) Announcements for government agencies should be sent to the Citizens Information Center.

(b) Announcements for educational institutions should be sent to the Government & Educational Access Coordinator, Nebraska Educational Television, Lincoln, Nebraska, or transmitted to the channel through electronic media.

(c) Announcements must be submitted for approval on the required forms at least two weeks in advance of the intended cablecast date. Announcements may be placed and removed at the discretion of the Citizen Information Center.

(d) Messages will be aired for a maximum 30 days. Messages of the same intent or nature from the same organization must be submitted on a new form.

(e) The Citizen Information Center may edit announcements to provide for clarity and to maximize the use of space.

(f) Messages placed on the channel must contain the name and/or telephone number of the agency or institution placing the announcement.

(g) Message forms containing the name of the agency, the name of the individual submitting the message, and a telephone number shall be kept on file for 30 days after the announcement has been taken off the system. These records are available for review by the public.

9.4(a) Events, activities, meetings announced on the channel must be open to the general public.

(b) Events which are open to the public and are intended to raise funds for public purposes may be placed on the channel. The message must indicate if admission is charged.

(c) GEIS may not be used to advertise or promote the commercial sale of goods or services; to solicit donations; or to praise a product, service, business, or person.

(d) Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme is prohibited.

(e) Announcements for specific job positions is not permitted. Information on where to apply jobs in the public sector are allowed.

(f) Announcements requesting volunteers will be allowed provided it is a general request for volunteers.

(g) Announcements which promote/oppose candidates for office or ballot issues are prohibited.

(h) GEIS shall not be used to advertise or promote enrollment in schools, colleges or universities for which a fee or tuition is charged to gain admittance.

9.5 Emergency announcements shall have priority over all other announcements.

9.6 The City of Lincoln, the Government/Educational Access Coordinator shall not be liable for the inaccuracy of information placed on the channel.

## X.

### MISCELLANEOUS

10.1 The producers and/or sponsors of each program including local sponsors of an import program shall be placed in the production credits by the user.

10.2 Promotion of G/E programming is the responsibility of the producing agency.

10.3 Any G/E user who is dissatisfied with the administration, enforcement, etc. regarding these rules, may submit such matter to the Liaison Committee and subsequent to that to the Cable Television Advisory Board.

10.4 Failure to comply with these rules may result in the denial or cancellation of further access. Whenever a penalty is imposed, the G/E Access Coordinator shall report the violation and penalty to the Cable Television Advisory Board at their next monthly meeting.

10.5 The rules governing the G/E access channel shall be reviewed annually by the Cable Television Advisory Board and the appropriate associated entity.